

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RALPH SELL, individually and as personal)
representative of the,)

Plaintiff,)

V.)

AM2 PAT, INC., and B. BRAUN)
MEDICAL, INC., a Pennsylvania)
corporation,)

Defendants.)

4:09CV3036

**FINAL
PROGRESSION
ORDER**

On the Court's own motion,

IT IS ORDERED that:

- 1) With the agreement of Judge Piester, the Chief Judge and the other district judges, Judge Kopf has begun handling all magistrate matters previously handled by Judge Piester. Judge Kopf will do so for the foreseeable future regarding his own cases as well as cases assigned to other district judges. Thus, any magistrate matters previously handled by Judge Piester will be handled by Judge Kopf alone unless otherwise ordered and that is true for cases assigned to Judge Kopf and it is also true for cases assigned to other district judges. However, the district judge assigned to try this case has not changed.
- 2) No telephonic planning conference will be held to discuss the progression of this case to trial. On the contrary, a final progression order is now issued as set forth in the following paragraph.
- 3) The final progression order is as follows:
 - a. A jury trial is set to commence on June 14, 2010. No more than five days are allocated to the trial of this case and counsel shall plan accordingly. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one.
 - b. The pretrial conference will be held by Judge Kopf in his chambers on May 13, 2010 at 12:00 p.m. (noon). One- half hour is allocated to this conference. Counsel shall provide Judge Kopf with a draft pretrial conference order at

this pretrial conference and the draft order shall conform to the requirements of the local rules.

- c. Mandatory disclosures shall be served on or before July 15, 2009.
- d. The deadline for disclosure of experts and, unless otherwise agreed, the deadline for the provision of expert reports is:

By the plaintiff:	November 2, 2009.
By the defendants:	December 2, 2009.
Plaintiff's rebuttal experts:	December 16, 2009.

- e. The discovery and deposition deadline is January 8, 2010. Motions to compel discovery must be filed at least 15 days prior to the discovery and deposition deadline.
- f. The deadline for filing motions to dismiss, motions for summary judgment or motions to exclude expert testimony on *Daubert* and related grounds is February 8, 2010.
- g. Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.
- h. The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- i. Counsel may contact Judge Kopf by arranging a telephone conference with Kris Leininger of Judge Kopf's chambers (at 402-437-1640) should they have any objections or questions about this order or should other issues subsequently arise that may delay or frustrate the prompt and fair resolution of this case.

DATED this 13th day of July, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge